

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

IN01344

In re Application of: Janice K. Albrecht

Application No.: 09/981,215

Filed: October 16, 2001

For: Ribavirin-Pegylated Interferon Alfa HCV Combination Therapy

The owner*, Schering Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,635,646. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.


Signature

08/20/2004
Date

SANDY ZARADIC, Reg. No. 45,997

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

08/24/2004 ZJUHR1 00000013 190365 09981215

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ASSIGNMENT

(Joint) CASE: IN01044

For good and valuable consideration paid to us,

(1) <u>Ashit K. Ganguly</u>	(2) <u>Jinping McCormick</u>
(3) <u>Raymond G. Lovey</u>	(4) <u>Frank Bennett</u>
(5) <u>Anil K. Saksena</u>	(6) <u>Viyyoor M. Girijavallabhan</u>

respectively residing at

(1) <u>Upper Montclair, New Jersey</u>	(2) <u>Edison, New Jersey</u>
(3) <u>West Caldwell, New Jersey</u>	(4) <u>Piscataway, New Jersey</u>
(5) <u>Upper Montclair, New Jersey</u>	(6) <u>Parsippany, New Jersey</u>

by **SCHERING CORPORATION**, a corporation organized under the laws of the State of New Jersey, United States of America, having its principal office at Galloping Hill Road, Kenilworth, New Jersey 07033, United States of America, (hereinafter called "**ASSIGNEE**"), we each do hereby sell, assign and transfer to said **ASSIGNEE** each of our entire right, title and interest in all countries of the world in and to any and all of our inventions and discoveries in

"5'-AMINO ACID ESTERS OF RIBAVIRIN"

as described and/or claimed in our patent application executed on

<u>July 7, 1999</u>	by <u>Ashit K. Ganguly</u>
<u>July 7, 1999</u>	by <u>Jinping McCormick</u>
<u>July 7, 1999</u>	by <u>Raymond G. Lovey</u>
<u>July 7, 1999</u>	by <u>Frank Bennett</u>
<u>July 7, 1999</u>	by <u>Anil K. Saksena</u>
<u>July 7, 1999</u>	by <u>Viyyoor M. Girijavallabhan</u>

and subsequently* officially identified as Application No. 09/348534 filed on July 7, 1999 in and to the right to file patent applications in the name of **ASSIGNEE**, its designee, or in any or all of our names, at its election, on the aforesaid inventions and discoveries in all countries of the world, together with all rights of priority in the aforesaid countries deriving from the above-identified patent application under the International Convention for the Protection of Industrial Property, under the Inter-American Convention relating to Inventions, Patents, Designs and Industrial Models and under any other international arrangement to which the United States now is or hereafter becomes a signatory, in and to any and all Letters Patent that issue on any of the aforesaid patent applications, and in and to any continuations, divisions, reissues, renewals and extensions thereof of any of said Letters Patent, the same to be held and enjoyed by said **ASSIGNEE**, its successors, assigns and other legal representatives, to the full ends of the terms for which a Letters Patent therefor may be granted, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

And we hereby covenant and agree that we will at any time, upon the request and at the expense of **ASSIGNEE**, execute and deliver any and all documents that may be necessary or desirable to perfect the title to the foregoing inventions and discoveries, patent applications, and Letters Patent and continuations, divisions, reissues, renewals and extensions thereof in **ASSIGNEE**, its successors, assigns or other legal representatives, including the execution and procurement of any and all further documents evidencing this assignment and sale as may be necessary or desirable for recording the same in the Patent Office of any country concerned, and that we will, at any time, upon the request and the expense of **ASSIGNEE**, execute any additional or divisional applications for patents for said inventions and discoveries, or any part or parts thereof, and applications for patents of confirmation, registration and importation based on said Letters Patent and on Letters Patent issuing from said additional or divisional applications and reissues, renewals and extensions thereof, and will make all rightful oaths and declarations and do all lawful acts requisite for procuring the same or for aiding therein, without further compensation, but at the expense of **ASSIGNEE**, its successors, assigns or other legal representatives.

*We hereby authorize **ASSIGNEE** to insert in this instrument the Application Number and the filing date of said application when officially notified thereof.

Executed this 7th day of July, 19 99.

Ashit K. Ganguly
Ashit K. Ganguly L.S.

Executed this 7th day of July, 19 99.

Jinping McCormick
Jinping McCormick L.S.

Executed this 7th day of July, 19 99.

Raymond G. Lovey
Raymond G. Lovey L.S.

Executed this 7th day of July, 19 99.

Frank Bennett
Frank Bennett L.S.

Executed this 7th day of July, 19 99.

Anil K. Saxena
Anil K. Saxena L.S.

Executed this 7th day of July, 19 99.

Viyyoor Girijavallabhan
Viyyoor Girijavallabhan L.S.

ACKNOWLEDGEMENT

State of N.J.)
County of Union) s.s.:

On this 7th day of July, 19 99.

personally appeared before me Ashit K. Ganguly
to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he (she) executed the same, of his (her) own free will for the purpose set forth.

(Seal)

Denise A. Buffardi
Notary Public

DENISE A. BUFFARDI
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Dec. 17, 2001

ACKNOWLEDGEMENT

State of N.J.)
 County of Hudson) s.s.:

On this 7th day of July, 1999,

personally appeared before me Jinping McCormick
 to me known, and known by me to be the same person described in and who executed the foregoing
 instrument, and acknowledged that he (she) executed the same, of his (her) own free will for the
 purpose set forth.

(Seal)

Denise A. Buffardi
 Notary Public

DENISE A. BUFFARDI
 NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires Dec. 17, 2001

ACKNOWLEDGEMENT

State of N.J.)
 County of Hudson) s.s.:

On this 7th day of July, 1999,

personally appeared before me Raymond G. Lovey
 to me known, and known by me to be the same person described in and who executed the foregoing
 instrument, and acknowledged that he (she) executed the same, of his (her) own free will for the
 purpose set forth.

(Seal)

Denise A. Buffardi
 Notary Public

DENISE A. BUFFARDI
 NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires Dec. 17, 2001

ACKNOWLEDGEMENT

State of N.J.)
 County of Hudson) s.s.:

On this 7th day of July, 1999,

personally appeared before me Frank Bennett
 to me known, and known by me to be the same person described in and who executed the foregoing
 instrument, and acknowledged that he (she) executed the same, of his (her) own free will for the
 purpose set forth.

(Seal)

Denise A. Buffardi
 Notary Public

DENISE A. BUFFARDI
 NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires Dec. 17, 2001

ACKNOWLEDGEMENT

State of NJ)
 County of Union) s.s.:

On this 7th day of July, 19 99.

personally appeared before me Anil K. Saksena
 to me known, and known by me to be the same person described in and who executed the foregoing
 instrument, and acknowledged that he (she) executed the same, of his (her) own free will for the
 purpose set forth.

(Seal)

Denise A. Buffardi
 Notary Public

ACKNOWLEDGEMENT

State of NJ)
 County of Union) s.s.:

On this 7th day of July, 19 99.

personally appeared before me Viyyoor M. Girijavallabhan
 to me known, and known by me to be the same person described in and who executed the foregoing
 instrument, and acknowledged that he (she) executed the same, of his (her) own free will for the
 purpose set forth.

(Seal)

Denise A. Buffardi
 Notary Public

DENISE A. BUFFARDI
 NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires Dec. 17, 2001